

Subsection (b) of 35 USC 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA)

|                             |                   |
|-----------------------------|-------------------|
| <i>Application No.</i>      | 10/077,767        |
| <i>Filing Date</i>          | February 20, 2002 |
| <i>First Named Inventor</i> | Shinya SOEDA      |
| <i>Group Art Unit</i>       | 2822              |
| <i>Examiner Name</i>        | M. Prenty         |
| <i>Attorney Docket No</i>   | 401572            |

**NOTE:** 37 CFR 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 CFR 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000). 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered.)

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

iii. ☐ Other:

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Form PTO-1449

v. ☐ Copies of documents listed in Form PTO-1449

vi. ☐ Other:

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.303(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; fee under 37 CFR 1.17(i) required.)

b. ☐ Applicant claims small entity status. See 37 CFR 1.27

c. ☐ Other: \_\_\_\_\_

a. ☒ The following fees are enclosed:

i. ☒ RCE fee of \$750.00 (large entity) required under 37 CFR 1.17(e)

ii. ☐ One-month extension of time fee of \$110.00 (37 CFR 1.136 and 1.17)

iii. ☐ Suspension of action fee of \$130.00 (37 CFR 1.17(i))

iv. ☐ Other:

**\$750.00**

**TOTAL FEES ENCLOSED**

**\$750.00**

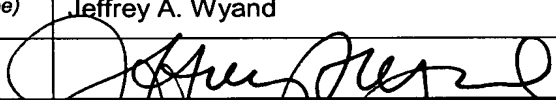
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☒ The Commissioner is hereby authorized to charge the above fees to Deposit Account No. 12-1216.
- d. ☒ The Commissioner is hereby authorized to charge any deficiencies in the above fees or to credit any overpayments to Deposit Account No. 12-1216

770.00 DA

**Request For Continued Examination Transmittal**

Application No. 10/077,767  
Attorney Docket No. 401572

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

|                   |   |                                   |                 |
|-------------------|---|-----------------------------------|-----------------|
| Name (Print/Type) | Jeffrey A. Wyand  | Registration No. (Attorney/Agent) | 29,458          |
| Signature         |  | Date                              | October 7, 2003 |

**CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this RCE Transmittal is, on the date indicated below, ☐ being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or ☐ being facsimile transmitted to the U.S. Patent and Trademark Office.

|                   |  |      |  |
|-------------------|--|------|--|
| Name (Print/Type) |  |      |  |
| Signature         |  | Date |  |



**PATENT**  
Attorney Docket No. 401572

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Shinya SOEDA

Application No. 10/077,767

Art Unit: 2822

Examiner: M. Prenty

Filed: February 20, 2002

For: SEMICONDUCTOR DEVICE AND  
METHOD OF FABRICATING THE  
SAME

**RESPONSE TO OFFICE ACTION**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated July 7, 2003, please enter the following amendments and consider the following remarks.

*9/14/03*  
*10/16/03*  
*10/16/03*  
RECEIVED  
OCT 10 2003  
TECHNOLOGY CENTER 2809